REMARKS

The above-referenced patent application has been reviewed in light of the Office Action referenced above, in which the Examiner has rejected claim 1 under 35 USC 112, first paragraph, and claims 1-11 under 35 USC 102(e) on US Patent No. 6,160,636 (hereinafter, "Nagano"). Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-11 are currently pending. No claims have been cancelled or added. Claim 1 has been amended. No new matter has been added.

The Examiner has rejected claim 1 under 35 USC 112, first paragraph. This rejection is respectfully traversed.

The Examiner asserts that limitations of claim 1 are vague and indefinite. It is noted that claim 1 has been amended to correspond more closely with the language of the specification. For example, see page 5, lines 16-17. However, it is respectfully asserted that these amendments are merely added to clarify for the Examiner the scope of the claim as originally filed. Thus, it is asserted that these amendments do not narrow the claim or result in prosecution history estoppel.

Accordingly, withdrawal of the enablement rejection of claim 1 is respectfully requested.

The Examiner has rejected claims 1-11 under 35 USC 102(e) based on US Patent No. 6,160,636 (hereinafter "Nagano"). This rejection is respectfully traversed.

It is noted that to establish a **prima facie** case of anticipation the Examiner must provide a document that discloses each and every limitation of the rejected claim or claims. It is asserted that Nagano does not meet this requirement. For example, Nagano does not disclose or even recognize

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the desirability of counting and recording data access volume, and outputting count data. Thus, at least this element or limitation is missing from the cited document. It is therefore respectfully requested that the Examiner withdraw the anticipation rejection as to claim 1.

It is noted that claims 2-6 depend from claim 1. Therefore, these claims distinguish from the cited document at least on the same basis as claim 1. It is respectfully requested that the Examiner also withdraw the anticipation rejection as to claims 2-6.

Independent claim 7 also distinguishes over Nagano at least on the same or a similar basis as claim 1. For at least this reason, claim 7 and its dependent claims 8-11 are not anticipated by Nagano.

Withdrawal of the anticipation rejection of claims 1-11 based on Nagano is accordingly respectfully requested.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 640-6475. Reconsideration of this patent application and early allowance of all of the claims is respectfully requested.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed herein; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-3130.

Respectfully submitted,

BERKELEY LAW AND TECHNOLOGY GROUP, LLC

Dated: 8/8/05

Howard Skaist
Reg. No.36,008

Berkeley Law and Technology Group, LLC
5250 NE Elam Young Parkway, Suite 850
Hillsboro, OR 97124

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